


Memorandum



Date: October 3, 2019

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor  **CONSENT DECREE**

Agenda Item No. 3(B)(4)

Subject: Resolution Ratifying Action Related to Miami-Dade Water and Sewer Department's Consent Decree and Capital Improvement Programs Acceleration Ordinance pursuant to Section 2-8.2.12 of the Miami-Dade County Code

Recommendation

It is recommended that the Board of County Commissioners (Board) ratify the action of the County Mayor or County Mayor's designee, as authorized under Section 2-8.2.12 of the Miami-Dade County Code related to Miami-Dade Water and Sewer Department's Consent Decree and Capital Improvement Programs Acceleration Ordinance (WASD Acceleration Ordinance) for the funded project identified below and in Exhibit A, as attached.

Consent Decree Project

Item 1 – Reject all Bids for CD 1.11 General Electrical Design Substations 9, 10, 11 and 12 – Contract No. S-914. During a review of the bids, the County learned that it has already awarded the roofing work for the electrical substations included in this Project under a separate solicitation which had been open competitively bid among Small Business Enterprise (SBE) roofing firms.

The Department is executing hundreds of simultaneous projects across three distinct, regulatory-driven capital investment programs. Integrating these various construction programs and procurement is very challenging. In this instance, we have further centralized some of the procurement functions and will institute a new clearing house process to attempt to avoid conflicts.

Scope

The commission district of the project locations is noted in Exhibit A.

Fiscal Impact/Funding Source

The fiscal impact and funding source for this project are detailed in Exhibit A. There is no fiscal impact to the County with the rejection of bids.

Track Record/Monitoring

WASD's Senior Advisor Capital Projects & Compliance, Lynnette Ramirez, would oversee the implementation of this project.

Background

On September 3, 2014, the Board approved Ordinance No. 14-77 authorizing the County Mayor or County Mayor's designee to award contracts for funded projects and related goods and services, to reject bids and proposals received in connection with any competitive procurement, and to accelerate the approval of WASD's (1) Consent Decree projects and (2) projects identified in WASD Multi-Year Capital Plan's Capital Improvements Program without the need for prior Board approval but subject to ratification by the Board.

On December 6, 2018, the Department received bids for the Project. During a review of the bids, the County learned that it had already awarded the roofing repair work for the electrical substations included in this Project under a separate solicitation which had been open competitively bid among Small Business Enterprise (SBE) roofing firms.

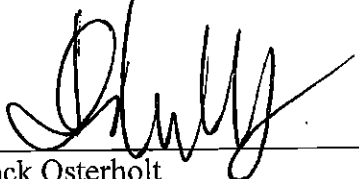
It is in the best interest of the County to proceed with roofing repairs to protect the contents of the electrical substations from water damage and avoid any potential interruption to plant operations. Therefore, WASD recommends rejecting all bids received and re-advertising the project with a revised scope of work.

Exhibit A includes the details of the competitively bid award for which ratification is being requested. Exhibit A contains the information bulleted below for the contract award:

- Item Number
- Department Name
- Type of Solicitation
- Contract Type
- Contract No. / Project No.
- Project Name
- Commission District
- Operations and Maintenance Costs
- Estimated Start Date/Estimated End Date
- Contract Measures: SBE Goods & Services; SBE-A/E; SBE-Construction; and CWP Program
- Brief Project Description

Attached as Exhibit B is the request to reject all proposals for Construction Contract Item No. 1 as referenced in this memorandum.

Attachments



Jack Osterholt
Deputy Mayor

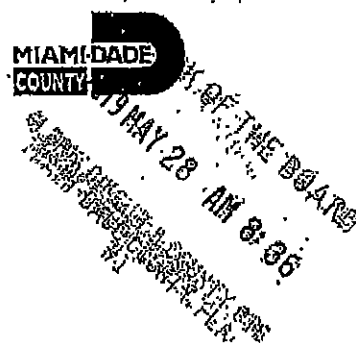
Exhibit A

Ratification of Rejection of all Proposals Authorized by the WASD Accelerate Ordinance

Item No.	Dept. Name	Type of Solicitation	Contract Type	Contract No.		Project Name		Operations and Maintenance Costs	Est. Start Date		Contract Measures				Brief Project Description
				Contract No.	Project No.				Est. Start Date	Est. End Date	SBE Goods & Services	SBE A/E	SBE Construction	CWP Program	
1	WASD	County Bid Process	Construction Contract	S-314		CD 1.11 General Electrical Design Substations 9, 10, 11 and 12	District 8 (Commissioner Levine Cava)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	This project consists of furnishing all materials, labor, and equipment necessary for the electrical improvements for Substations 9, 10, 11 and 12.

Exhibit B

Memorandum



Date:

To: Kevin Lynskey, Director
Water and Sewer Department

From: *[Signature]*
Alissa Penaloza, Assistant Director
Intergovernmental and Internal Operations

Subject: Request to Reject all Bids for CD 1.11 General Electrical Design Substations 9, 10, 11 and 12 - Project No.: N/A; Contract No.: S-914

RECOMMENDATION:

Pursuant to the Miami-Dade Water and Sewer Department (WASD) Consent Decree and Capital Improvement Programs Acceleration Ordinance, Section 2-8.2.12 of the Code of Miami-Dade County, it is recommended that the County Mayor or County Mayor's designee approve this recommendation to reject all bids received by WASD in response to the open competitive solicitation for Contract No. S-914.

DELEGATION OF AUTHORITY:

The County Mayor or County Mayor's designee is authorized to reject bids pursuant to the provisions of Sections 2-8.2.12 (4)(b) of the Code of Miami-Dade County.

PROJECT NAME:

CD 1.11 General Electrical Design Substations 9, 10, 11 and 12

PROJECT DESCRIPTION:

The scope of work includes, but is not limited to, furnishing all materials, labor, and equipment necessary for the electrical improvements for Substations 9 and 10 and 11 and 12. The work generally includes, but is not limited to, demolition and replacement of existing electrical transformer and switchgear equipment and panels, electrical busduct, conduits, and cabling; associated instrumentation and controls; and modifications to the existing substation buildings, including: replacement of existing built-up roofing, new interior and exterior lighting, power and lighting panels, new doors, louvers, equipment pads, exhaust fans, and air conditioning and filtration equipment; and new sidewalks, fencing, and site grading.

PROJECT LOCATION:

The Project is located within WASD's South District Wastewater Treatment Plant at Electrical Substation Nos. 9, 10, 11 and 12, 8590 S.W. 232nd Street, Section 21, Township 56, Range 40, Miami-Dade, Florida 33190.

FISCAL IMPACT / FUNDING SOURCE:

There is no fiscal impact to the County for the rejection of bids.

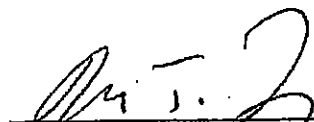
TRACK RECORD / MONITOR/SBD HISTORY OF VIOLATIONS:

Due diligence was conducted by WASD and the Internal Services Department (ISD) in accordance with ISD's Procurement Guidelines to determine responsibility, including verifying corporate status and performance, safety and compliance data.

EXPLANATION:

On December 6, 2018, the Department received bids for the Project. During a review of the bids, the County learned that it had already awarded the roofing repair work for the electrical substations included in this Project under a separate solicitation which had been open competitively bid among Small Business Enterprise (SBE) roofing firms.

It is in the best interest of the County to proceed with roofing repairs to protect the contents of the electrical substations from water damage and avoid any potential interruption to plant operations. Therefore, WASD recommends rejecting all bids received and re-advertising the project with a revised scope of work.



KEVIN LYNKEY, WASD DIRECTOR
ON BEHALF OF MAYOR CARLOS A. GIMENEZ

5-24-19
DATE

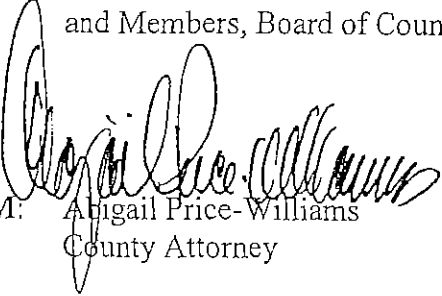


MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: October 3, 2019

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 3(B)(4)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 3(B)(4)
10-3-19

RESOLUTION NO. _____

RESOLUTION RATIFYING ACTION BY COUNTY MAYOR
OR COUNTY MAYOR'S DESIGNEE RELATED TO MIAMI-
DADE WATER AND SEWER DEPARTMENT'S CONSENT
DECREE AND CAPITAL IMPROVEMENT PROGRAMS
ACCELERATION ORDINANCE PURSUANT TO SECTION 2-
8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA
SPECIFICALLY THE REJECTION OF ALL BIDS FOR CD 1.11
GENERAL ELECTRICAL DESIGN SUBSTATIONS 9, 10, 11
AND 12 - CONTRACT NO. S-914

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board ratifies the action of the County Mayor or County Mayor's designee, as authorized by Section 2-8.2.12 of the Code of Miami-Dade County, specifically the rejection of all the bids for CD 1.11 General Electrical Design Substations 9, 10, 11 and 12 – Contract No. S-914, all as set forth in the accompanying memorandum.

The foregoing resolution was offered by Commissioner _____,
who moved its adoption. The motion was seconded by Commissioner _____
and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	
Rebeca Sosa, Vice Chairwoman	
Esteban L. Bovo, Jr.	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

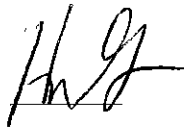
The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of October, 2019. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Henry N. Gillman